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MILITARY JUSTICE MONTHLY

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NONJUDICIAL PUNISHMENT & ADMINISTRATIVE DISCHARGES

ARTICLE 15 ACTIONS

During November 2014, DM commanders administered one non-judicial punishment action under Article 15 of the UCMJ. The punishment imposed reflect the commander's determination of an appropriate punishment after considering the circumstances of the offense(s) and the offender's record. A "suspended" punishment does not take effect unless the offender engages in additional misconduct or fails to satisfy the conditions of the suspension. The suspension period lasts no longer than six months.

Failure to obey a lawful order - An Airman First Class received 60 days restriction to base, reduction to Airman, reduction to Airman Basic (suspended) and a reprimand.

ARTICLE 15 PROCESSING GOAL

The Air Force goal is to process 80% of all nonjudicial punishment actions within 30 calendar days. In November, DM commanders met that goal with **100% (1/1)** of nonjudicial punishment actions completed within 30 calendar days. That said, DM's year-to-date is **70%**. Below is a comparison of DM's year-to-date completion percentage to other 12 AF bases.

ARTICLE 15 PROCESSING - 2014 30 DAY METRIC 12 AIR FORCE BASES

Holloman	(32/37)	86%
Dyess	(68/85)	80%
Mt Home	(28/36)	78%
Ellsworth	(49/65)	75%
DM	(52/74)	70%
Offutt	(39/64)	61%
Beale	(29/42)	69%

ADMINISTRATIVE DISCHARGES

During November 2014, DM commanders processed three enlisted and zero officer administrative discharges. Two cases were notification (not board-entitled) cases and one was a board-entitled case. The processing time goals for administrative discharges according to AFI 36-3208, Table 6.4, are: 15 duty days from date of discovery for notification cases, 50 duty days for board cases, and 25 duty days for board waiver cases.

The Air Force goal is to process 80% of all notification cases in 15 duty days. 80% of board cases in 50 duty days. 80% of board waiver cases in 25 duty days

In November, DM commanders met that goal with **100% (3/3)** of notification discharges completed within 15 duty days. DM's year-to-date is **90%**. Below is a comparison of DM's year-to-date completion percentage to other 12 AF bases.

DISCHARGE PROCESSING - 2014 15 DAY METRIC 12 AIR FORCE BASES

Beale	(32/33)	97%
Holloman	(37/39)	95%
Dyess	(64/69)	93%
DM	(60/67)	90%
Mt Home	(36/40)	90%
Ellsworth	(27/31)	87%
Offutt	(19/27)	70%

MILITARY JUSTICE POCs

Courts/Investigations

Capt Kathryn Martin (228-3166)
MSgt Joel Ketchum (228-4550)
SSgt Libertyann Kehr (228-3199)
SSgt Phillip Webb (228-6437)
SrA Diego Bermudez (228-1397)
A1C Leo Tanja (228-3689)

Adverse Actions (Art. 15)

Capt Nelson Faerber (228-3733)
SSgt Brandy Will (228-0664)

Discharges/Demotions

1st Lt Alexis Sellars (228-3162)
Ms. Janice Meindl (228-3168)

Area Defense Counsel

Capt Christie Jones
Capt Jenny Liabenow
TSgt Sarah Swift (228-5664)

DUIs at DM

Unit	2013	2014
355 MXG	9	11
355 MSG	3	6
355 FW	1	1
355 MDG	0	1
355 OG	0	1
12 AF	4	2
TENANTS	18	4
TOTAL	35	26

AS OF 30 NOVEMBER 2014

The Air Force Urinalysis Program (Part Two)

Inspection- Urine specimens may be ordered and collected as part of an inspection under Military Rule of Evidence 313(b)

- The primary purpose of an inspection is to determine and ensure the security, military fitness, or good order and discipline of the unit. This may include an inspection to determine whether the command is functioning properly, if proper standards of readiness are maintained, and if personnel are present, fit and ready for duty.

- Sometimes called a unit sweep, an entire unit or a part of the unit may be inspected, or you may participate in a base-wide random selection process

- Individual members may not be singled out for inspection

- Do not use an inspection when you suspect a specific individual of drug abuse.

Consult the SJA for more appropriate options.

- Coordinate inspections with the installation drug demand reduction program manager. Do not announce the inspection in advance to those being inspected.

- Inspection testing is the best deterrent presently available against drug abuse

- Results may be used for UCMJ or administrative actions, including adverse characterization of administrative discharges

Medical Care- A urine specimen collected as part of a patient's routine or emergency medical treatment, including a routine physical, may be subjected to urinalysis drug testing

- Results may be used for UCMJ or administrative actions, including adverse characterization of administrative discharges

Positive Results - [Upon receipt of a report of a positive test, regardless of the category of test used, immediately contact the SJA](#)

- Upon notification of a positive urinalysis test, AFOSI or SFS will schedule an interview with the member. **DO NOT** advise the member in advance of the interview or of the positive test result.

Commander-Directed Investigation

Commanders on G-series orders have an inherent authority to conduct a CDI to investigate matters under their command, unless preempted by higher authority. A CDI would normally be initiated by a squadron level or higher commander.

Purpose. The CDI is a tool to gather, analyze and record relevant information about matters of primary interest to those in command. The CDI is an extension of the commander's authority to investigate and to correct problems within the command. As such, the CDI is internal to the command concerned. There are two reasons a commander may want to conduct a CDI; to investigate systemic (or

procedural) problems or to look into matters regarding individual conduct or responsibility. CDIs are administrative investigations.

Matters Appropriate for a CDI.

Generally speaking, commanders investigate command matters when another investigative channel does not exist or is less suitable. For example, investigations into matters that will likely result in a court-martial or other judicial action would normally be referred to AFOSI or SFS. [Commanders should consult with the SJA regarding whether or not a CDI is the best means of investigating a matter.](#) Command matters include all issues and circumstances involving people, processes and materials under their command.

Standard of Proof. The standard of proof for a CDI is a *preponderance of the evidence*. A preponderance of the evidence is defined as "the greater weight and quality of the credible evidence," meaning the evidence indicates that one position is more probable than the opposing position. At all times, IOs may use their own common sense, life experiences and knowledge of the ways of the world to assess the credibility of witnesses they interview.

Lunch & Learn Training Article 31 Rights Advisement

Friday, 19 Dec, 1200-1300

In the 355 FW/JA
Courtroom

COURTS-MARTIAL AT DAVIS-MONTHAN AFB

Staff Sergeant Jerry Tolbert - 355 CMS, was tried by Summary Court-Martial on 20 November 2014. He was charged with use of marijuana. He was found guilty and was sentenced by a summary court martial office to be reduced to the grade of E-4 and a reprimand.

All courts-martial are open to the public. Visit our USAF Public Docket website at <http://www.afjag.af.mil/docket/index.asp>. View sexual assault convictions by the Air Force at <http://www.afjag.af.mil/shared/media/document/AFD-130917-061.pdf>